

Complaints Policy

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Policy Aim

To acknowledge the importance and value of complaints in improving our services.

To ensure that feedback is handled in a manner that supports the council's approach to providing user focused services and with any other relevant legal and policy requirements.

To provide a clear route by which customers can give feedback about the service they have received from the council.

To ensure feedback is dealt with fairly, promptly and sensitively.

To promote a culture of continuous learning and using feedback to continuously improve our services.

To ensure a consistent, effective and timely approach to complaints handling.

Introduction

Lancaster City Council welcomes all feedback from customers on how our services can be improved. Whilst this policy focuses on complaints, it is recognised that staff frequently receive compliments and letters of appreciation. These positive comments are highly valued by the council as evidence of its commitment to providing excellent services.

On some occasions, however, customers may not be satisfied with a decision made by the council, the provision of a service or an action taken on an individual case. This document sets out the corporate complaints policy.

The provisions of this policy applies across the council, and all relevant feedback will be dealt with in accordance with it.

This policy will be openly publicised on the council's website or by request from Customer Services.

Lancaster City Council will deal with complaints fairly, thoroughly and sensitively and aim to address any problems raised at the earliest stage possible. Staff will be empowered to try and solve any difficulties reported by customers without recourse to the formal procedure.

What is a Complaint?

We adhere to the Local Government Ombudsman and Housing Ombudsman definition of a complaint. Therefore we consider a complaint to be:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.”

Therefore a tenant or resident does not have to use the word ‘complaint’ for it to be treated as such.

The council recognises that there is a difference between a service request and a complaint. A service request is a request from a customer to the council requiring action to be taken to put something right. Service requests are not complaints, but they will be recorded, monitored and reviewed regularly. A complaint is raised when a customer expresses dissatisfaction with the response to their service request, even if handling the service request remains ongoing. The council will not stop its efforts to address the service request if the customer complains.

If this is the first time you are reporting an issue to us, we may decide to treat this as a request for service. Once recorded, incoming feedback is reviewed by our Customer Service team, who ensures the matter is recorded correctly

Listed below are the categories of complaints which fall within the procedure and those which are excluded: (this is not an exhaustive list)

Categories of Complaint:

- Failure to follow agreed council procedure, policy, rules or standards of service.
- Failure to take account of relevant matters in coming to a decision.
- Neglect or unjustified delay.
- Inappropriate behaviour of a council employee or someone acting on the council's behalf.
- Malice, bias or discrimination.
- Appeals against any council advice, actions or decisions in its capacity as a regulator where no statutory right of appeal or council appeals/review procedure exists.

Exclusions:

Complaints will be accepted unless there is a valid reason not to do so. Below is a list of the reason why a complaint may not be investigated.

- Day to day service requests or initial reporting of faults.
- Criticisms or disagreement with council policies.
- Complaints concerning the level of rent or service charge or the amount of the rent or service charge increase.
- Complaints against individual employees which arise from dissatisfaction with a council policy or decision, and where no other basis for the complaint exists.
- Appeals against any council advice, actions, or decisions in its capacity as a regulator where a statutory right of appeal or other council appeals/review procedure exists.
- Appeals concerning a matter where an alternative appeal/review procedure exists, such as an appeal within the council or to an independent tribunal (e.g., the awarding of Housing Benefits).
- Matters that have previously been investigated and responded to under the complaints policy.
- A matter which is, or could be reasonably be expected to be, the subject of Court or tribunal proceedings, or which is in hands of the council's insurers. Challenge of a Council or Committee decision would generally be by way of Judicial Review.
- Complaints which constitute a refusal to accept a rule of law which the council is applying.
- Complaints about the conduct of councillors. These should be submitted in writing to the Monitoring Officer.
- The council will normally only accept complaints made within twelve months of the incident or circumstances that led to the complaint.
- If the Council decides not to accept a complaint, then an explanation should be provided setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

If the Council, as your landlord, decides not to accept a complaint, a detailed explanation will be provided to the resident, setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Housing Ombudsman.

Data Protection-Related Complaints

Data Protection related complaints will be dealt with in consultation with the council's Information Governance Officer considering the council's statutory obligations and information security policies.

Statutory Power

It is recognised that the Local Government Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) have different statutory powers. The LGSCO code is voluntary and will not be enforced however the HSO has the power to issue codes of practice and guidance as well as the power to investigate and take enforcement action against non-compliant providers.

Complaints about discrimination

In the case of complaints about discrimination concerning the protected characteristics under the Equality Act 2010 (i.e., race, religion, or belief, disability, sexual orientation and gender identity) the council will take into account its obligations under the Act and related corporate policies and objectives on equality.

2. When can a complaint be made?

2.1 With complaints it is far easier to find out what happened and put things right if they are received soon after they occur. As time passes it becomes harder for us to investigate events fairly and fully – people's memories fade, staff who were involved leave the council, or records may no longer be available. For these reasons, the council will normally only accept complaints made within twelve months of the incident or circumstances that led to the complaint.

3. Who can make a complaint?

3.1 Any individual or organisation that uses or receives a council service and feels disadvantaged, or they are about to be disadvantaged, through the actions of the council may make a complaint.

3.2 A complaint can be made on behalf of the service user by a councillor, advice worker, solicitor or other third party. In some cases (e.g., where the complaint comes from a private individual, whether a relative of the complainant or not) evidence will be needed that the complainant both knows of and consents to the complaint being made and is happy for information on this matter to be shared with the third party. A [third party consent form](#) should be signed and returned to the council prior to commencing any investigation.

3.3 Elected members are encouraged to use the complaints procedure on behalf of their constituents, as the monitoring and feedback provided is valuable to Services. Complaints raised by elected members are subject to the same requirements for consent.

3.4 Complaints received anonymously will be considered by the Service concerned, any investigation being proportionate to the potential outcome.

4. How a complaint can be made

4.1 Complaints can be made in person, over the telephone, in writing, by email and digitally.

4.2 When an issue reaches Stage 1 of the complaints process the scope of the complaint will be agreed with the complainant and a record of this will be taken by the complaint handler. The council's complaint form sets out the information required and is available online or by contacting Customer Services via the telephone.

4.3 The council is committed to working within the Equality Framework for Local Government and will make facilities available to assist customers in making a complaint including translation facilities, home visits and information being made available in other formats as necessary.

5. Overview of the complaints procedure

The council operates a two-stage system for handling complaints. Stage One handles the initial complaint and its response from the council. Whereas Stage Two is for escalating complaints should you feel unhappy with the initial Stage One response.

Resolution of problems

5.1 All frontline staff should be empowered to resolve problems at the point of service delivery without recourse to the formal complaints procedure.

5.2 If a complaint cannot be resolved at the point of service delivery the Service concerned should deal with it as a formal complaint.

5.3 In exceptional circumstances (e.g., where it is felt a satisfactory resolution will not be reached) the Chief Executive may ask the relevant Ombudsman to consider the complaint without it having been through the council's procedure.

Stage 1 Complaints

5.4 A senior officer within the Service which is the subject of the complaint should deal with the complaint and inform the complainant of their decision. For appeals against the council in its capacity as a regulator the officer will not have been involved in the decision or action against which the appeal is being made.

5.5 The complainant should be advised of any further steps which they may take if they are not satisfied with the decision. The council will normally only review complaints if the complainant responds to the decision letter within 28 days stating why they disagree with the outcome.

5.6 The complaint will then be dealt with at Stage 2 of the formal complaints process.

5.7 A full list of standards and timescales is included in section 6.

Stage 2 Complaints

5.8 The review should be undertaken by a Chief Officer (or their delegated senior officer) which is not the subject of the complaint who will review the adequacy of the stage 1 response, as well as any new and relevant information not previously considered. In some circumstances, where appropriate, the Chief Officer for the Service being complained about may undertake a Stage 2 complaint, however, this is will be reviewed and agreed upon by the Senior Leadership Team. Please be aware that Stage 2 is not a more thorough, detailed investigation of the complaint.

5.9 The complainant should be advised of any further steps which they may take if they are not satisfied with the outcome of the review of their complaint. In that they may refer their complaint to an appropriate statutory or local body. This is usually the Local Government Ombudsman or Housing Ombudsman (dependent on the service the complaint is about).

6. Standards for responding to complaints

Stage 1 Complaints

6.1 The officer assigned to investigate and address the complaint must establish contact with the complainant to ensure a comprehensive understanding of the issue/s.

6.2 Complaints should be acknowledged and logged at Stage 1 of the complaints procedure within 5 working days of the complaint being received.

6.3 The Officer responding to the complaint must issue a full response to stage 1 complaints within 10 working days of the complaint being received.

6.4 Should an extension to the response timescale be required, the Officer responding to the complaint will inform the complainant of the expected timescale for response, the reasoning for the delay will be clearly explained and the contact details for the relevant ombudsman service. The length of the extension is at the discretion of the council, but will not exceed 10 working days without good reason.

Stage 2 Complaints

6.4 Requests for stage 2 should be acknowledged and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.

6.5 The council must issue a final response to the stage 2 review within 20 working days of the complaint being escalated by the individual.

6.6 Should an extension to the response timescale be required, the council will inform the complainant of the expected timescale for response, the reasoning for the delay will be clearly explained and the contact details for the relevant ombudsman service. The length of the extension is at the discretion of the council, but will not exceed 20 working days without good reason.

7.Complaints involving more than one Service

7.1 Where a complaint covers more than one service a single council reply should be provided, and this should be co-ordinated by the Service which is the subject of the largest part of the complaint.

8.Complaints involving third parties

8.1 Where there is a complaint about a service which the council is responsible for, but which is delivered by a third party, the council remains accountable for any service failure.

8.2 An agreement should be made with a partner or contractor about how complaints are handled. This should incorporate adherence to this Complaints Policy.

8.3 Subject to the arrangements in paragraph 8.2 above, a contractor may investigate a complaint.

9.Putting things right

9.1 When something has gone wrong, the council will acknowledge this, and it will inform complainants of the actions it has already taken or intends to take, to put things right.

These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy; Where there is no other way of putting things right (e.g. through the passage of time) financial compensation may be the only option but this will only be considered where there has been a significant injustice.
- Changing policies, procedures or practices

10. Abusive, persistent, or otherwise unreasonable complainants

10.1 The council aims to treat all complainants fairly and will, as far as possible, ensure that the substance of any complaint is addressed. However, the council also has a duty to effectively manage public funds by ensuring resources expended on handling complaints are proportionate.

10.2 Where the council considers a complainant unreasonably persistent, it will take action to restrict their access to the council's complaints procedure. Examples of unreasonable actions and behaviours include:

- refusing to co-operate with the complaints investigation process;
- refusing to accept that certain issues are not within the scope of the complaints procedure;
- making unjustified complaints about staff who are trying to deal with the issue, and seeking to have them replaced;
- changing the basis of the complaint as the investigation proceeds;
- introducing trivial or irrelevant information at a later stage;
- frequent, lengthy contacts and repetitive information;
- submitting repeat complaints with minor additions/variation; and
- refusing to accept the decision; repeatedly arguing points with no new evidence.

10.3 The council will notify complainants deemed unreasonably persistent of the action it proposes, which may include terminating contact with them.

10.4 The council welcomes comments but will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants and will take appropriate and proportionate action should such circumstances arise.

11.Replies to complainants

11.1 Complaints should be seen as an opportunity to resolve the customer's problem and to learn from feedback and should be responded to in that way.

11.2 A reply to a complaint should contain:

- A summary of the complaint and the stage this is at.
- Steps taken to investigate the complaint.
- The decision and reasons for it
- Reference to whether the council upholds, or does not uphold the complaint
- An apology where appropriate
- Information on any action that is going to be taken to resolve the problem
- Details of any service improvements as a result of the complaint
- Details of further stages of appeal and contact details for the relevant ombudsman if the complainant remains dissatisfied.

11.3 Where follow up action is promised the person responding to the complaint should ensure that this is carried through.

12.Quality Assurance

12.1 Our quality assurance document serves as a comprehensive framework that guides our assessment of complaints. Complaints will be sampled at random. This approach allows us to identify good practice, key learning points, implement corrective measures, and improve services.

This will be led by the Chief Officer responsible for Customer Services, and reports will be made available to the Senior Leadership Team and Member responsible for complaints.

13.Keeping records

13.1 The council aims to resolve issues immediately at the first point of contact thus negating the need to invoke the formal complaints process.

13.2 Records should be retained for all formal complaints on the councils complaint system 'Granicus'.

13.3 Detailed information on individual complaints should be treated confidentially with access limited to those involved in resolving the matter.

13.4 Records on individual complaints should be stored on the councils complaint system 'Granicus' for 3 years from the end of their administrative use.

13.5 Mechanisms should be put in place for ensuring that any suggestions for service improvements arising from complaint investigations are considered and followed through as appropriate.

13.6 The arrangements for reporting complaints data should assist the council in managing its overall performance.

14.Publication

This policy will be available on the council's main website and the Council Housing specific page.

The council will regularly promote the policy and the complaints process through available media channels (social media, newsletters etc.)

15.Referring the Matter to the Local Government Ombudsman/Housing Ombudsman Service

The Local Government and Social Care Ombudsman

The Code is issued under the Local Government and Social Care Ombudsman's powers to provide "guidance about good administrative practice" to organisations under section 23(12A) of the Local Government Act 1974.

The Local Government and Social Care Ombudsman may consider failure to comply with the Code as maladministration or service failure.

The Local Government and Social Care Ombudsman considers that the Code applies to all local authorities in England, as well as other specified bodies. The Code does not replace any statutory complaint processes such as The Children Act 1989 Representations Procedure (England) Regulations 2006 or Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061 0614
website: <http://www.lgo.org.uk>

Housing Ombudsman Service

The Code is statutory under the Housing Ombudsman's powers in the Housing Act 1996, as amended by the Social Housing (Regulation) Act 2023.

By issuing a statutory Code, landlords have a duty to comply with it and the Housing Ombudsman has a duty to monitor compliance against it. This will be delivered through individual investigation findings, submissions of the Code self-assessment and monitoring relevant data, including complaint handling performance.

Under paragraphs 13-15 of the Housing Ombudsman Scheme, the Housing Ombudsman has the power to issue, and publish, Complaint Handling Failure Orders (CHFOs) for failing to comply with the Code.

The Code applies to all member landlords of the Housing Ombudsman Scheme.

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

Tel: 0300 111 3000

E-mail: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

Data Protection

“Where you are dissatisfied with the way that any Data Protection issue has been dealt with under this policy you can refer the matter to the Information Commissioner.

Contact details for the Information Commissioner’s Officer are as follows:

Information Commissioner’s Office
Casework and Advice Division
Wycliffe House
Water Street
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Email: enquiries@ico.gsi.gov.uk

Website: <http://www.ico.gov.uk>"